



5
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**REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY
BY INVENTORS**

As one of the below named inventors, I hereby declare that: My residence and post office address and citizenship are as stated below my name; I believe I am an original, first, and joint inventor of the subject matter which is described and claimed in letters patent number 6,013,591, granted on January 11, 2000 and in U.S. Patent Application Serial No. 10/044,801, entitled NANOCRYSTALLINE APATITES AND COMPOSITES, PROSTHESES INCORPORATING THEM, AND METHOD FOR THEIR PRODUCTION, filed January 11, 2002 and for which invention we solicit a reissue patent.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56.

CLAIM FOR PRIORITY

I claim priority under Title 35, U.S.C. §119(c) of U.S. Provisional Application Serial No. 60/035,535, filed January 16, 1997.

**STATEMENT OF INOPERATIVENESS OF ORIGINAL PATENT
37 C.F.R. §1.175**

I hereby aver that I believe the original patent to be wholly or partly inoperative or invalid by reason of my claiming less than I had a right to claim in the patent. The errors which are recited herein occurred without any deceptive intent.

All errors being corrected in this reissue application up to the time of filing of this declaration arose without any deceptive intent.

The particular insufficiencies in the claims result because they are not as broad as the scope to which I believe I am entitled due to the inclusion of certain limitations in the claims such as a "spherical" crystal. The limitation of "spherical" appears in the two independent claims of the original patent, claims 1 and 9, and all dependent claims that depend therefrom.

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I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Robert M. Abrahamsen	40,886	Jason M. Honeyman	31,624	Randy J. Pritzker	35,986
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Address all telephone calls to Timothy J. Oyer at telephone no. (617) 720-3500. Address all correspondence to

Timothy J. Oyer
Wolf, Greenfield & Sacks, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210-2211

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.



Jackie Y. YING
A citizen of the United States
9 Fairlane Terrace
Winchester, MA 01890

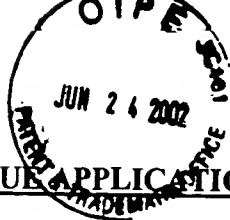
Date 6/7/02

Edward S. AHN
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Cambridge, MA 02142

Date _____

Atsushi NAKAHIRA
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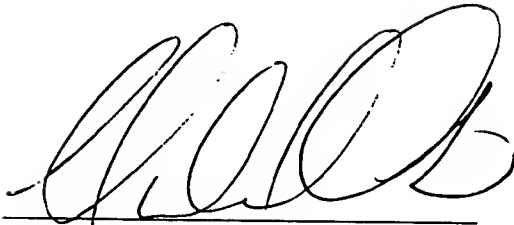
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Winchester, MA 01890

Date _____



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Cambridge, MA 02142

Date 6/13/02

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A citizen of the United States
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Date _____

Serial No. 10/044,801
Confirmation No. 4734

-3-

M00925/70110 TJO

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Date _____

Atsushi Nakahira
Atsushi NAKAHIRA
A citizen of Japan
65-3-3-407 Kawashima
Gotan-Osacho
Nishikyoku
Kyoto 615
Japan

Date June 10, 2002



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PTO/SB/96 (08-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Massachusetts Institute of Technology

Application No./Patent No.: 6,013,591 Filed/Issue Date: January 11, 2000

Entitled: NANOCRYSTALLINE APATITES AND COMPOSITES, PROSTHESIS INCORPORATING THEM, AND METHOD FOR THEIR PRODUCTION

Massachusetts Institute of Technology, a University

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or
2. an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United State Patent and Trademark Office at Reel 9518, Frame 0963 or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

JUNE 18, 2002
Date

Timothy J. Over
Typed or printed name

[Signature]
Signature

Attorney of Record
Title



Attorney's Docket No.: M00925/70110 TJO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jackie Y. Ying et al.
Serial No.: 10/044,801
Confirmation No.: 4734
Filed: January 11, 2002
For: NANOCRYSTALLINE APATITES AND COMPOSITES, PROSTHESIS
INCORPORATING THEM, AND METHOD FOR THEIR PRODUCTION

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**ASSENT OF ASSIGNEES TO REISSUE AND
OFFER TO SURRENDER ORIGINAL LETTERS PATENT**

The assignees of the entire interest in Letters Patent for the invention of NANOCRYSTALLINE APATITES AND COMPOSITES, PROSTHESIS INCORPORATING THEM, AND METHOD FOR THEIR PRODUCTION, U.S. Patent No. 6,013,591, hereby offer to surrender the original letters patent. Furthermore, the assignees of the entire interest in Letters Patent No. 6,013,591 hereby assent to reissue of the patent.

Massachusetts Institute of Technology, certify that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above, a copy thereof is attached. It is noted that this assignment was originally recorded on October 13, 1998, Reel/Frame 9518/0963.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
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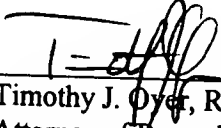
☐ Additional documents in the chain of title are on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all of the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

For submissions on behalf of an organization (e.g., corporation, partnership, university or, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Respectfully submitted,



Timothy J. Oyer, Reg. No. 36,628
Attorney of Record
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210
Tel. (617) 720-3500
Fax (617) 720-2441

Docket No.: M00925/70110 TJO
Date: June 18, 2002

ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, we the undersigned Jackie Y. Ying, 9 Fairlane Terrace, Winchester, Massachusetts 01890, Edward S. Ahn, 10 Rogers St Apt. 901, Cambridge, MA 02142 , and Atsushi Nakahira, 65-3-3-407 Kawashima Gotan-osacho, Nishikyoku, Kyoto 615, Japan hereby sell, assign and transfer to

MASSACHUSETTS INSTITUTE OF TECHNOLOGY, a Massachusetts corporation having a place of business at 77 Massachusetts Avenue, Cambridge, Massachusetts 02139 and its successors, assigns and legal representatives, all hereinafter referred to as the Assignees, the entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed in the United States Patent and Trademark Office on January 16, 1998 under serial no. 09/007,930 and entitled **Nanocrystalline Apatites and Composites, Prostheses Incorporating Them, and Method for Their Production** said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

We agree that said Assignee may apply for and receive Letters Patent for said inventions in their own name; and when requested, without charge to but at the expense of said Assignee, we agree to carry out in good faith the intent and purpose of this assignment, by executing all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said Assignee all facts known to us relating to said inventions and the history thereof, and generally by doing everything possible which said Assignee shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said Assignee.

We hereby request the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said Assignee.

We covenant with said Assignee that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made

to others by us and that full right to convey the same as herein expressed is possessed by us.

9/9/98

Date

Jackie Y. Ying
Jackie Y. Ying

STATE OF Middlesex :
COUNTY OF Massachusetts :

Subscribed and sworn to before me this 9th day of September, 1998.

SEAL

Denise M. Lynch
Notary Public
Denise M. Lynch
My Comm. Exp. 1/27/2000
My Commission Expires: 1/27/2000

9/9/98

Date

Edward S. Ahn
Edward S. Ahn

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Atsushi Nakahira
Atsushi Nakahira

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COUNTY OF _____ :

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Notary Public
Notary Public

My Commission Expires: _____

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COUNTY OF _____ :

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Notary Public

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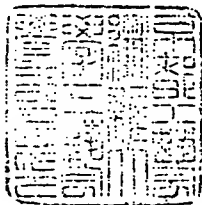
98 Aug. 26
Date

Atsushi Nakahira
Atsushi Nakahira

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COUNTY OF Japan :

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京都工芸繊維大学 工学学部長 里深信行
Shinji Itafuku, Dean
Notary Public

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